



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :

v. :

PEDRO GARCIA-HERNANDEZ, :  
Defendant. :  
-----X

**ORDER**

18 CR 775 (VB)

Copies Mailed/Faxed 4/22/24  
Chambers of Vincent L. Briccetti DA

By letter dated April 3, 2024, defendant Pedro Garcia-Hernandez requests that the Court appoint counsel "to look/review my case for the possibility of an approval of the Amendment 821 and or any relief if so." Amendment 821 to the U.S. Sentencing Guidelines went into effect on November 1, 2023, and applies retroactively.

Defendant was sentenced 120 months' imprisonment upon his guilty plea to possession with intent to distribute more than one kilogram of heroin, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A). 120 months' imprisonment is the statutory mandatory minimum prison sentence for this offense. Amendment 821 does not authorize the Court to reduce a defendant's term of imprisonment to below the mandatory minimum. Thus, Garcia-Hernandez is not eligible for a reduction of his term of imprisonment pursuant to Amendment 821.

Because Garcia-Hernandez is not eligible for relief pursuant to Amendment 821, no purpose would be served by appointing counsel to assist him in making a motion for such relief. Accordingly, the request for appointment of counsel is DENIED.

Chambers will mail a copy of this Order to defendant at the following address:

Pedro Garcia-Hernandez, Register no. 86063-054  
FCI Thomson  
Federal Correctional Institution  
P.O. Box 1002  
Thomson, IL 61285

Dated: April 22, 2024  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti  
United States District Judge